



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

November 30, 2007

Mr. Robert J. Meyers, Assistant Administrator  
for Air and Radiation  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Dear Mr. Meyers:

This is to advise the Department that based on certifications provided to the U.S. Nuclear Regulatory Commission (Commission) by Governors of the States listed below, the Commission has determined that these States have a program to license byproduct material, as defined in Sections 11e.(3) and (4) of the Atomic Energy Act of 1954, as amended, that is adequate to protect the public health and safety.

Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Iowa, Illinois, Kansas, Kentucky, Louisiana, Massachusetts, Maine, Maryland, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, and Wisconsin.

The certifications were provided in accordance with a Plan for the Transition of Regulatory Authority Resulting from the Expanded Definition of Byproduct Material (transition plan) issued by the Commission as mandated by Section 651(e) of the Energy Policy Act of 2005. In accordance with Section 651(e)(4)(C)(iii) of the Energy Policy Act of 2005 and the provisions of the Transition Plan, the Agreements entered into between the Commission and each of these States under Section 274b. of the Atomic Energy Act of 1954, as amended, are now considered to include byproduct material as defined in Sections 11e.(3) and (4).

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet R. Schlueter".

Janet R. Schlueter, Director  
Division of Materials Safety  
and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

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